

THE  
Oppressed Mans Oppressions declared:

O R

An Epistle written by Lieut. Col. JOHN LILBURNE, Prerogative-prisoner (by the illegall and arbitrary Authority of the House of Lords) in the Tower of *London*, to Col. *Francis West*, Lieutenant thereof: In which the oppressing cruelty of all the Gaolers of *England* is declared, and particularly the Lieutenants of the Tower. As also, there is thrown unto *Tho. Edwards*, the Author of the 3<sup>d</sup>. *Ulcerous Gangrena*, a bone or two to pick: In which also, divers things are handled, of speciall concernment to the present times.

Prov. 21. 7. *The robbery of the wicked shall destroy them; because they refuse to doe judgements.*

Prov. 21. 15. *It is joy to the just to doe judgement, and chap. 29. 10. The blood-thirsty hate the upright, but he just seek his soule.*

S I R,

**I**T is the saying of the Spirit of God, in the 12. Prov. 10. *That a righteous man regardeth the life of his beast, but the tender mercies of the wicked are cruell.* How far your actions, and carriage with me, that am more then a Beast, have been point-blanke contrary to the first part of that divine Sentence, but conformable to the conclusion of it; is very easie to demonstrate with pen and ink in the view of the World; and as facill to your face, before any competent Judges to justify and prove: And this is the Theme I have chosen a little to insist upon at this present time: but being resolved, to be as concise as I can, I shall not now make any ample repetition of your harsh dealing with me at the first; in divorcing me by the law of our own will from my wife, and getting the Lords to make an order to bear you out in it after you had done it; and that I should speak with none of my friends, but in the presence and hearing of my Keeper, &c. Which cruell Order, meerly obtained and got by your solicitation, the Reader may read in the 35. p. of *Vox Plebis*. Therefore, in regard that the Author of that Book hath pretty well discovered your cruell and illegall dealing with mee, at my first comming to the Tower, especially in the

the 45, 46, 47, 48, 49. pages thereof: And the Author of a late booke called *Regal tyrannie discovered*, in the 48, 49. pages, And my selfe hath pretty well laid it open in the 16, 17, 18, 20. pages of my printed Relation before the Committee of the honourable house of Commons Novemb. 6. 1646. called *An Anatomy of the Lords tyrannie*, to which I refer the Reader, and in regard you are not ashamed of your cruel and illegall carriages towards me, but persevere in them (as though you would justifie one tyrannie, with backing it with continuall acts of tyrannie) I shall therefore goe on as effectually and punctually as I can, more fully to anotaile you, and your unjust, illegall, cruell, and unrighteous dealing with me, and for matter of fact, shall lay nothing to your charge, but what I will justifie before any legall Authority in England.

But in the first place, I desire to let you understand, that I am a free-born Englishman, and have lived a legall man thereof all my dayes, being never yet convicted of any attempt or design undertaken, or countenanced by me, that did tend to the subversion of the Fundamentall Lawes and constitution thereof; but have alwayes sided with the Parliament it selfe, who hath pretended nothing so much, as the preservation of the lawes liberties, and Fundamentall Freedomes of England, and the peace and tranquility of the people; as you may read in their owne Declarations, 1 part col. Dec. pag. 172. 195. 214. 281. 342. 464. 498. 663. 666. 673. 750. for the preservation of which, I have constantly, courageously, and as freely adventured my life, as any of themselves, what ever he be: And therefore in every particular, have just and grounded cause to expect the utmost priviledge and benefit that the Law of England will afford any man whatever, that is under the obedience and subjection thereof: Nay more over, having to doe with those men as my Judges, that made all or the most of these Declarations, and who have also declared, *it lies not in their power to enslave or invasalize the people*, being trusted for their good, not for their mischief, to provide for their weal, but not for their woe, 1 part Col. dec pag. 150. 214, 266. 267. 494. 497. 636. 659. 660. 694. 696. and who in these and other of their own Declarations, *imprecate and pray that the wrath and vengeance of Heaven and Earth may fall upon them, and theirs, when they cease actually to performe what verbally they there declare*, unto which I say A M E N: And there they protest, vow, and sweare, *they will maintain the fundamentall Lawes, and Liberties of the people*, and therefore in that respect, you cannot groundedly, in the least, thinke, that I should Issacar-like stoop willingly unto any other burthens, impositions, or commands layd upon mee by you, or any other whatsoever, that are not warrantable and justifiable by the fundamentall Lawes of the Land, and whether your practises have been so with me, I will compare them to the Law, and leave every rationall man to judge.

First, I doe not find any Law that makes prisons, places of executions, punishment, or torment, but only places of safe custody. for the Law of England (as Sir Edward Cooke in the second part of his institutes fol. 28. excellently declares) is a Law of mercy, (yet as he then said, so I much more say now) *it is now turned into a meere shadow, which is the most we now enjoy of it*) and therefore as the Author of the late booke, called *Liberty vindicated against Slavery*, very well saith, p. 7. from Sir Edward Cooke in the 1. part of his instit. f. 260. that by the Law, prisons are ordained not for destruction, but for securing of mens persons, untill they be brought forth unto due and speedy

speedy tryall (for being in prison, they are under the most especiall protection of the Law, and the most tender care thereof) and are therefore to be humanly, courteously, and in all Civillity, ordered and used; otherwise Goalers are not keepers, but tormentors and executioners of men untryed, and uncondemned, but this were not (*salvo custodia*) to keep men in safety, which the Law implyes (and is all it requires) but (discreetly) to destroy before the time, which the Law abhors and detests, yea and that prisoners (though never so notorious in their crimes) may be the more honestly and carefully provided for, and the better and more civilly used, and to the end, that Goalers and Keepers of prisons, should not have any colour or excuse, for exacting any thing from prisoners, (under what colour or pretence soever, whether the same be called fees, or Chamber-rent) who are in custody of the Law: It is provided, and declared by the Law, that all prisons and Goales what ever, be the Kings, for the publike good, and therefore are to be repaired and furnished as prisons at the common Charge, see Cook on the 1. E. 2. *Satutum de frangentibus prisonum*, in his second part institutes fol. 589 and on the 16. Chap. of *Magna Charta* fol. 74. *Ibidem*, and on the statute of Westminster.

The first Chap. 26. fol. 209. 210. *Ibidem*.

Yea, and the Law takes care that in case the prisoner when he is in prison, have no means of his owne to live upon, that then by the publike he is to be maintained, 14. Eliz. 5. 21. James 28. *Vox Plebis*, pag. 57. for a freeman of England (as I am) "is not brought to prison to be starved with cold, or hunger, but to the end justice upon him may be done: The prison, at most, in Law, is but a safe preserver but not a destroyer of the prisoner, who with all convenient speed according to Law, is to come to his tryall, and either according unto Law to be condemned, or else to be delivered in convenient time without delay, 4 E. 3. 2. See my answer to Mr. Pryn, called *Innocency and Truth justified*, pag. 32. who by the Law is never to remaine in prison above 6. moneths at most, for Goale deliveries are by the 4. E. 3. 2. to be kept and made three times a yeare, which is once in foure moneths, and oftener, if need shall be.

And as the Author of *Vox Plebis* pag. 55. saith, out of "Stamf. pl. Cor. f. 30. Imprisonment by Law, is (neither ought to be) no more then a bare restraint of Liberty, without those illegall distinctions, of close and open imprisonment, and therefore *Bracton* fo. 18. saith, that if a Goaler keep his prisoner more close then of right he ought, whereof the prisoner dieth, this is felony in the Goaler.

And *Horne*, in the mirrour of Justice. pag. 188. "saith that it is an abusion of the Law that prisoners are put into Irons, or other paine, before they are attainted. And pag. 34. 36. he reckons the starving of prisoners by famine, to be among the crimes of homicide in a Goaler.

And we find in the 3. E. 3. Fitz. H. Tit. pl. Cor. 195. "that it was felony at Common Law, in Goalers to compell their prisoners by hard imprisonment to be come approvers, whereby to get their goods: which Law is since confirmed by the statute of 14. E. 3. Chap. 10. with some enlargement; as to under keepers of prisons, and the penalty of the Law, and that Goalers having done this, have beene hanged for it, you may read 3. E. 3. 8. Northampton, Fitz. pl. Cor. 195. and else where, but this for a tast to them.



In the second place, I will tell you what the Law saith about Gaolers Fees. The *Mirror of Iustice* pag. 288. tells us, that it is an *abusion of the Law*, that prisoners or others for them, pay any thing for their entries into the Goale, or for their going out; this is the *Common Law*; there is no fee at all due to any Gaolers whatsoever by the *Common Law*; See what the statutes say. The statute of Westminster 1. Chap. 26. being the 3. E. 1. 26. saith, that no Sheriffe, nor other the Kings Officer, take any reward to doe his Office, but shall be paid of that which they take of the King, and he that so doth shall yield twice as much, and shall be punished at the Kings pleasure, under which word Officer, is concluded Goaler, Coroner, &c. so Sir Edward Cooke 2. part institutes fol. 209. *Stam. pl. Cor.* 49. say, by the statute of 4. E. 3. 10. Gaolers are to receive theeves, and fellows, taking nothing by way of fees for the receipt of them, so odious is this extortion of Gaolers, that very theeves and fellows are exempt from payment of fees. It is true, that by an incroaching statute upon our liberties, made in the 23. H. 6. 10. there is a fee given to the Goaler to be paid him by his prisoner, but yet it is very small, the words of the statutes are these; "nor that any of the said Officers and Ministers, by occasion or under colour of their Office, shall take any other thing by them, nor by any other person to their use, profit, or avails of any person by them or any of them to be arrested, or attached, nor of any other of them for the omitting of any arrest, or attachment to be made by their body, or of any person by them or any of them, by force or colour of their Office, arrested or attached for fine, fee, suit of prison, mainprise, letting to baile, or shewing any case or favour to any such person so arrested, or to be arrested for their reward or Profit, but such as follow; that is to say, for the Sheriffe 20. d. the Bayliffe which maketh the arrest or attachment 4. d. and the Goaler, if the prisoner be committed to his ward, four pence; and that the Sheriffe, under-Sheriffe, Sheriffes, Clerke, Steward, or Baylife of Franchise, Servant or Bayliffe, or Coroner, shall not take any thing by colour of his office by him nor by any other person to his use, of any person for the making of any return or panell, and for the copy of any panel, but 4. d.

"And it followes in the same Statute, that all Sheriffes, under-Sheriffes, Clerks, Bayliffes, Gaolers, Coroners, Stewards, Bayliffes of Franchises, or any other Officers or Ministers, which doe contrary to this Ordinance in any point of the same, shall lose to the party in this behalfe indammaged or grieved, his treble damages, and shall forfeit the sum of 40. l. at every time they or any of them doe the contrary thereof in any point of the same, where of the King shall have the one halfe to be employed in the use of his house, and in no otherwise, and the party that shall sue the other half.

But (as Sir Edward Cooke well observes, on the 25. chap. of *Magna Charta*, 2. part Institutes. fol. 74.) after the rule of the *Common Law* was altered, and that the Sheriffe Coroner, Goaler, and other the Kings Ministers, might in some case take of the subject; it is not credible what extortions and oppressions have hereupon ensued. So dangerous a thing it is (saith he) to shake or alter any of the Rules or Fundamentall points of the *Common Law*, which in truth are the main Pillars and Supportars of the Fabrick of the *Common-wealth*, as else-where I have noted more at large viz. fol. 51, 210. 249. *Ibid.* see the Preface to the 4. part of his Reports, and the 4. part of his institutes cap of the High Court of Parliament, f. 41.

Now



Now Sir, having laid this sure foundation, I will assume the boldness, to compare your dealings with me, to the fore-mentioned rules that the Law prescribe you : And first to the matter of usage, you know very well, you of your owne head at first kept my wife from me, and made me a close prisoner, as in the fore-mentioned bookes, pag. 2. is truly declared.

And then secondly, although you could not but know that by the Lords, &c. in the Star-Chamber, 1. for about foure yeares together before this Parliament, under-went a great distruction by them, both in my body, goods, and trade : and since this Parliament, have spent many hundred pounds to obtaine my just reparations (besides other great losses I have had) and yet have not got a penny, and being a younger brother, and in Land have not 6. d. in comming in the year ; and being robbed of my trade, calling, and lively-hood, by the Merchant Monopolizers : So that I could not with freedome transport one Cloth into the Low-countries, to get any lively-hood thereby : all which, above a yeare agoe, I was necessitated publicly to declare, in answer to *William Prynns* lyes and falsehoods, in my booke called *Innocency and Truth justified*, which there you may read, especially in pag. 39. 43. 47. 48. 62. 65. 75. and now being committed to your custody in the Tower, the chargeablest Prison this day in all *England*, and where I am denyed the just and legal usage and allowance that the King himselfe used to allow all prisoners committed to this place, although they had great estates of their owne, in their owne hands and possession, whose allowance was to find them diet, lodging, and pay their fees, *Vox Plebis*, p. 50. 56. 57.

Nay, when I came in ; and desired you, that I might have my diet from my wife out of the town, which I did for two reasons.

First, for safety, having heard much of *sir Thomas Overburies* being poysoned when he was a prisoner in the Tower.

Secondly, for the saving of money, which stood me much upon ; but you absolutely denyed me that legal and just priviledge, and tyed me either to fast, or have my diet from the Cookes in the Tower.

Thirdly, being thus committed to this extraordinary chargeable expensive place, and being in so mean a condition, as I must ingeniously confesse I was, you took in the third place, the ready way to sterve and destroy me ; and of your owne head, ordered your Warders to take the names and places of habitation, of all those that came to see me, or speak with me, a destructive bug-bear to any captived prisoner, which the Law of *England* doth not in the least authorize and inable you to doe : but this was not all, but in the fourth place, my friends, though they gave their names, were by your Warders, set on by your selfe (for upon your score, I must, and doe lay it all) exceedingly in words abused, and divers of them turned away, and not suffered to come and speake with me : O bloody and cruell man ! what is this else, but an absolute Declaration of your resolved intention, to destroy me in my imprisonment under your custody ? which the Law abhors : but if for the sake of the Law, or for my sake, you will not square your dealings with me, according to the known law of the kingdome, then for your owne sake, I desire you to remember your Predecessour, *Sir Garvase Elvish*, who was indicted by the name of Gaoler of the Tower of *London*, and hanged upon Tower-hill, for consenting to the poysoning of his Prisoner, *Sir Thomas Overbury*, *Vox Plebis*, pag. 47.

In the fifth place, seeing by all the fore-mentioned wayes and meanes you could not scare all my friends from me, and so by consequence destroy me.

Then you devise another way, and set one of your old Mastive dogs upon me, to baite and to worry me with lyes, reproaches, and calumniationes: and for that end, printed and published a most base and scandalous booke against me, thereby to make me odious to all men whatsoever, that would believe that book, which was published against me at such a time; when by your selfe, my hands were fast tyed behind my back, being kept by your order very strictly from Pen, Ink, and Paper, and so in a condition unable publickly to vindicate my selfe, and much importunity was I forced to use to your selfe, before I could obtaine leave from you to answer it, and necessitated to tye my selfe by promise to such and such conditions: and amongst the rest, that you should read it all over, before it was published: And I, for my part, performed my promise, and was necessitated to give the originall into your hands in such hast, that I could not take a Copy of it: out of whose hands, I could not get it, till I was in some respect necessitated to an arbitration: and being not able to doe what I would for my own vindication. I was in a manner compelled by you to be content with what I could doe, which was to accept a submission from him for my wounded, rent, and torn reputation by him: although, if I could have accomplished what I desired, I should first have published my answer to his lyes: and then if he had a mind put it to arbitration, but necessity hath no other Law but a stooping to it: but I was in hope, that I should have found so much candor and ingenuity in you, & your Agent old *John White*, as that I should not have had the like abuses from you after that arbitration, that I had before it from you both; but in regard that he at the gate, as my friends informes me, doth not cease in his rancour and venim against me; I must be necessitated to publish my answer to him; especially, seeing as I conceive, *Tho. Edwards* the cankered *Gangrena*, is joynd in confederacy with him: But at the present, I shall content my selfe with the inserting of his recantation, or acknowledgement, and referre the Reader for a full relation of that arbitration, to the 59. 60, 61, 62, 63. pages of my late book, called *Londons Liberty in Chains discovered*; the aforesaid acknowledgement thus followeth:

I *John White*, one of the Warders of the Tower of London, doe acknowledge, that I have unjustly wronged *Lieut. Col. John Lilburn*, in, and by my writing, and publishing in print, in such such sort as I did; that he was the writer, Author, or Contriver of a booke, called *Liberty vindicated against Slavery*, and of a printed letter thereunto annexed; and of a Booke or Treatise called *An Alarm to the house of Lords*: for all which, and for the unjust and scandalous matters and language alledged and used by me, in my said Booke, reflecting upon the said *Lieut. Col. Lilburn*, I am heartily: sorry and in testimony thereof, I have hereunto subscribed my hand the 8. day of October. 1646.

*John White.*

Subscribed, pronounced, and accepted, the 9. Day of October, 1646. in the presence of us,

*John*

John Strangways }  
 Lewis Dive. }  
 John Glanvil. } Knights.  
 William Morton. }  
 Henry Vaughan. }  
 Christopher Comport, Warder  
 in the Tower.

Sixthly, after all this, by meanes of my *Wifes Petition*, which was delivered to the House of Commons 23. *September* 1646. and which you may read in the last mentioned book, pap. 65, 66., 67, 68. &c. by meanes of which, there was a Committee of the honourable house of Commons appointed, to heare and receive my complaint against the Lords; and the 6. of *Novemb.* 1646. was the last time I was before the Committee; where I had an opportunity, in part, to declare unto them, your illegall dealing with me: which Declaration, you may read in the 17, 18, 20. pages of that relation, now in print; and I must confesse unto you, I did thinke that you durst not have run the hazzard of persevering in your illegall dealings with me: but in regard you doe, it cleerly demonstrates unto me, that you judge the streames of Justice so muddy and corrupted (*by the interest and power of your Lords, and their factions, who would have no other rule, but their own base and corrupt wills to walke by, and therefore lay the rule of the Law and Justice aside*) that they will never run cleer, nor purely againe, to punish such transgressors as you are.

But that you may know (although I have had exceeding hard measure, in being so long delayed in the making of my report) that I am not out of hopes, nor in despaire, I give you this fresh charge and tell you, that after I had done with the Committee, your next illegall designe that you executed upon me, was, that my friends could not passe your guard, unlesse my keeper were there present to conduct them unto me; by meanes of which, some of them have beene forced to come four severall times, before they could find him at the Gate; and others have beene forced to stay, and sit in the guard an hour, and sometimes two, expecting his coming; without whose presence, they could not have excesse to me; and divers of them in the time of their stay at the Guard, examined whether they be not Independents, or no, and whether they never preached in Tubs, or no: And if they answer crossly to the questions, as well they may, then they are fallen upon, and both they and I in words exceedingly abused: and I am told, that an old tall man in black, with a great staffe in his hand, is not wanting to play his part, which I judge to be Mr *White*.

Now sir, is not this the height of illegality, cruelty, tyrannie, and bloud-thirstie nesse in you, thus to deale with me; indevouring thereby strongly to scare away all  
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my friends from me? For, who in so many difficulties and abuses would come to visit a man, unlesse he bore a very great affection to him? the which, if he doe, the continual meeting with these base and unwarrantable affronts, in conclusion will make him wery.

And truly sir, let me tell you, *this is not to use me with civility, and humanity in my imprisonment*, as the Law requires I should, but this is to torment, punish, and destroy me, which, the Law, and all just and honest men abhors and detests.

In the 8. place, being in the condition that I am in, and being guilty of no legall crime in this world; unlesse it be for being over honest and zealous for the preservation of the just and publique Liberties of the Kingdome; I know no reason, why I may not enjoy the utmost priviledge and liberty in the Tower, that any prisoner in it doth enjoy: yet notwithstanding, not many weeks agoe, I was but going with a fellow-prisoner in the path that leads to the Record-office; and coming back to my Lodging under the Gate, that is just against the Traytors Gate, I met your pretended Gentleman Goaler, and immediatly Mr. Comport, my Landlord and Keeper came and delivered a message from you to me, which was to this effect: *That Mr. Leutenant did understand, that I was beyond the Ring: but it was his pleasure, that I should forbear to goe any more beyond it*: Vnto which, I replied, Landlord, I had only thought, that to goe beyond the Ring, had beene for a man when he came to it, to have turned on the right hand, and so to have gone, as if he would have gone out of the Gate, which I did not in the least: for I turned on the left hand with one of my fellow-prisoners, and walked in the path that goes to his Chamber, and divers other Chambers of my fellow-prisoners, which path they doe and may walke in every day in the week, and every hour in the day. And therefore, tell your Master from me, *I shall not obey his order, for I have as good right to enjoy any priviledge within the Tower, as any prisoner in it: and therefore will walk that way againe, seeing all my fellow-prisoners enjoy the same liberty.*

In the 9. place, the other night there being a friend with me, about 6. or 7 a clock at night, I walked out of my chamber with him; which is a priviledge that all my fellow-prisoners enjoy, and he having a candle and lanthorn in his hand, passing under Cole Harbour Gate, I was roughly and suddenly demanded whether I went? And I replied, along with my friend, to conduct him as farre as my liberty would extend (which was down to the Ring, which is as I conceive, at least three or foure score yards on this side of the gate where your guard stands) and I was replied unto in these words, *Sir, you shall not goe*: At which, looking well about me (it being very dark) to see who it was, that was so malipart, I perceived it to be your selfe (who had with you, as I conceived some of your Warders) unto which I replied: Truly sir, I doe not like the word *shall*; it is but unhanfome language, to tell me, *I shall not goe*.

No sir I say (said you) you shall not goe; for you ought not to stir out of your chamber after candles are lighted.

Truly sir (said I) I know no such order. Vnto which, you replied, Well, then sir, I now give you such an order: and I bid you give it to those that would obey it; for I would not: and I gave you the reason of it; which was, that I was a free-borne English-man, a Kingdome that pretends (at least) to be governed by Law, and not  
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by Will, and I am not to be subject unto those orders in my imprisonment, that have no other Warrant, but the Gaolers Will. Neither will I willingly be subject in the Tower unto any other orders but what are consonant and agreeable to the fundamentall Laws of the Kingdome.

Unto which you replied ; Sir, you shall obey my orders, and I will make you.

Sir, said I, I will not obey your orders, nor you shall not make me : And I tell you to your face, I scorn both you and your orders, and that I value you not, the paring of my naile.

Unto which, you replied, Sir I will make you, for I will lock you fast enough in your chamber : And I bid you doe your worst, that either you could, or durst doe, I cared not a straw for you : But I bad you take notice of this, by the way ; that if you locked me up by the power of your owne unbinding will, and did not make your doores very strong, I would make work for your Carpenters, by breaking them into as many pieces as I could.

You replied, you would make them up againe. And I told you I would break them againe.

You told me, your ordering us to keep our Chamders after candle was lighted was for your own security.

I shall now take liberty, to return you a more full answer to this, then I did before to you, which is this ; That I for my part, for all the gold in *London*, would not give just cause to be counted so base and unworthy, to do upon deliberation that action, that I would not justifie to the death : But if I should in the least, step aside, I should contract unto my selfe that guilt, which I am confident, all the enemies I have in *England*, are not able in the least to fixe upon me : For, I understand by the Law of this Kingdome, that he that is committed to prison for Felony, or Treason ; although really and truly he be guilty of neither, yet if he break prison, and be taken again, he shall dye like a Fellon or Traytor that is legally convicted, *1. E. 2. de frangentibus prisonam. See Cookes 2 part. in 8it. fol. 590. 591.* For his flight, in the eye of the Law, argues guiltinesse.

And besides, my friend and I had a horn Lanthorn and Candle, which put all out of suspition of going out in the dark.

But thirdly, what ground have you, upon any pretence whatever framed by your selfe, to lock me up in my chamber, as soon as candles are lighted, seeing I am in a moated and double walled Prison, where you have not only a Train-band, but also great store of your owne Warders to secure me ?

And therefore, I tell you plainly, I shall never condescend to be locked up sooner then that convenient houre of 8, a clock, the accustomed hour of the place, which is much sooner then they are in other prisons, that I have been in.

Fourthly, if under pretence of your security, I should give way for you to confine or lock me up in my chamber, at candlelight, which then was before five a clock, may not you as well and as groundedly upon the same pretence ( if you please to say it is for your security ) keep me locked up in my chamber till 12, a clocke, yea, the whole day, if you please : And if I should suffer this in the least, what am I lesse then traitorous to my selfe, and to my liberties, to give you a power by your own meer will, to make and impose a law upon me, whensoever you shall please to say that its for your security ? when the Law provides and enjoynes you no more, but

to keepe me in safe custodie within your prison, and to use me and all that come to me, civillie, and with all humanitie, and leaves me not in the least to your will, but only in some extraordinarie case, as in doing or offering violence to the Goaler, or Goalers, or to my fellow-prisoners, to the apparent breach of the peace of the prison: and yet in this I have not in the least done, either to you, or the poorest boy belonging to you, nor by Gods assistance will not: but yet on the contrary: before you shall make me a slave to your will, you shall have the heart-blood out of my body.

Now in the last place, I will compare the fees taken and demanded in the Tower with those the Law gives; and what they are, you may fully read before.

Now, by the Author of *Vox plebis*, who to me seems to be a knowing man in the practices of the Lieutenants of the Tower, who in his 48, 49. pages, saith, *That there is demanded for the admittance of an Earl 100. l. for a Baron 80. l. for a Knight and Baronet 70. l. for a Baronet 60. l. for a Knight 50. l. and for an Esquire 40. pound, and 30. s. a week of every prisoner for liberty to buy and drisse his owne diet, and 10. s. 15. s. 10. s. per week, for his Chamber rent, and of some more.*

For Sir Richard Gurney sometimes Lord Mayor of London, and now prisoner in the Tower, hath paid as I have heard him aver it 3. l. a week for his Chamber-rent; and in the time of a Predecessour of yours, dieted 3 weeks at the Lieutenants table: for which he had the impudencie to demand for it 25. l. per week. O horrible and monstrous extortion and oppression: and yet this is not all, for the last mentioned author in his 48. page saith, *There is a new erected Office, and an intruded Officer, called the Gentleman Goaler, one Yates a busie fellow, who pretends to a fee of 50 s. to be paid him, at the going away of every prisoner, pag. 51. ibim.*

But yet this is not all. for in p. 49 of the late printed book called *Regall Tyranny discovered*, he saith, *that the Gentleman Porter demands for his fee 5. l. and a mans upper garment: 40. s. to the Warders, 10. s. to the Lieutenants Clarke, 10. s. to the Minister; and divers of my fellow prisoners tell me, that their Keepers have and doe demand of them, either their diet, or 5. s. a week, for locking them up at night in their Chamber, and opening their chamber-dores.*

O horrible and monstrous injustice, oppression, and cruelty, to demand and take these fees; whereas, by Law, there is not one farthing token of all these fees due to be paid by the prisoner, but one bare groat at most, and that given away by an oppressing and incroaching law upon our ancient and just liberties, as is before truly observed.

And yet prisoners are detained in prison by your will, after they are legally discharged, because they will not pay these undue and unjust fees, which at this very day is Sir Henry Andersons case, and hath formerly beene others; as the Author of *Vox Plebis* truly observes; although the arrantest Rogue and thiefe that ever breathed, had, or hath, as true a right to any purse that ever he did or shall take from an honest man upon the high way by force and violence, as you or any other hath to any of the fore-mentioned fees. O yee proud and impudent man, that dare assume unto your selfe of your owne head, more then a regal power, to levie and raise money by the Law of your own will, upon the free people of England.

Sir, let me tell you, this very thing was one of those things, that was the Earl of  
Stratfords



of *Straffords* great crimes, for which he paid very dear ; and is it not impossible, but you and others that use it, may pay as deare for it in conclusion : therefore looke to it, and thinke of it.

And if you please to read the *Petition of Right*, made by the Lords and Commons unto this King, in the 3. of his Reigne, you shall find in the beginning of it, they shew him that by the statute of the 34. E. 1. called *Statutum de tallagio non concedendo*; that no tallage or aid shall be laid or levied by the King or his Heires in this Realme, without the good will and assent of the Arch-Bishops, Bishops, Earles, Barons, Knights, Burgesses, and other the free-men of the Commonality of this Realme, and by authority of Parliament holden in the 29. E. 3. it is declared and enacted ; that from thence forth no person should be compelled to make any Loanes to the King against his will ; because such Loanes were against reason, and the franchise of the Land, and by other Lawes of this Realme, (viz. 1. E. 3. 6. 11. R. 2. 9. 1. R. 3. 2.) it is provided ; That none shall be charged by any charge or imposition, called a benevolence, nor by such like charge, by which the statutes before-mentioned, and other the good lawes and statutes of this Realm your subjects have inherited this freedom ; that they should not be compelled to contribute to any tax, tallage, aid, or other like charge, nor yet by common consent in Parliament. All which, the King confirms.

And by the statute made this present Parliament, that abolished Ship money ; All and every the particulars, prayed or desired in the said *Petition of Right*, shall from hence forth be put in execution accordingly, and shall be firmly and strictly holden and observed, as in the same *Petition* they are prayed and expressed : yea, in this very statute it is declared and enacted to be against Law for his Majesty upon any pretence what ever, to levie money of the people of England, without common consent in Parliament.

And truly sir, let me tell you without feare or flattery, that if your great Masters the Lords, and their true prerogative friends, which fill not up a few places in the House of Commons, had any true and reall intentions to preserve the Fundamentall Lawes and Liberties of England, or had any time to spare (to punish those that justly and groundedly infringe them, and doe as much as in them lies, to destroy them) from their weighty employment, of deviding great and vast sums of the Common wealths money amongst themselves, without either doing justice and right in the like nature to any man breathing, unlesse it be themselves, or some of their sons, kinsmen, or neare friends ; whose principles, are to serve their ends to the breadth of a haire in all they enjoyne them ; they would scorne to give cause to be repued so base and unworthy as they are, to deny the King the power (unto whom ever and anon, they give such glorious and transcendent titles unto) to levie and raise money without common consent in Parliament ; when they allow every paultry Taylor in England to doe it at his pleasure ; yea, and for any thing I can perceive abet and countenance him in it, for they will not nor have not done all this long Parliament, any man any effectual justice against them that have complained of them, but every man is crushed, and in a manner destroyed, that meddles any thing to the purpose with them.

I pray sir, tell me, whether this be to Keep the Solemn League and Covenant (which is now made a cloake for all kind of knavery and villanie) which they and you took with your hands lifted up to the most high God, and swore to maintaine the Fundamentall Lawes and Liberties of the Kingdome : But this I dare boldly tell you, you never intended it as by your practises, appears.

But sir, in the second place, I should desire to know of you, the reason why laylors are so impudent and oppressive as they are, and go so scot free from punishment (though often complained of) as they doe.

Truly, for my part, I am nor able to render any more probable on then this: *That it may be some powerfull Parliament-man, or men, are sharers with them in their profits.* (for as grosse, if not groser things, are commonly reported, yea printed of some of them: See the 99. 100. 101. 102. 103. &c. pages of the fore-mentioned book; called *Regall Tyranny discovered*) and therefore must, and doe improve their interest and power, to protect them in their knaverys and oppressions. For within these few dayes, I was talking with an understanding knowing Gentleman, that came to visit me; and he told me, he durst venture his life to make it evident to any ratioll man in the world; that there is one Gaoler about this City, that makes of his Prison above 20000 l. a yeare, and commits all manner of villainies, and yet no Justice can be had against him, though he hath often and powerfully been complained against to the Parliament it selfe, where he said, he had more favour, countenance, and protection, then the honestest man that complained of him; yea, more then them all put all in one.

Now sir, in the last place, I come to acquaint you, what monies I have paid, since I came to the Tower for my Chamber-rent only; the 10. of *July* last I came hither and you sent me to the Lodging where I am, with extraordinarie strict and severe command upon my Keeper, who within certain dayes after I came to him, demanded chamber-rent of me at a great deale higher rate then I pay, and I told him necessity had no law; and I therefore desired him to ask me reasonably. and he should see what I would say to him: So at last, he asked me 15. s. a week, I told him I knew well the lawes of all prisons in *England*, and 15. s. a week was a great deale of money for beare Lodging; but in regard it was with me, as it was, conditionally that he for his part would use me, and those my friends that should come to see mee, with civilitie and humanity, I would give him 15. s. a week, and find my own linnen besides, protesting unto him, that the first time he used me, or any that came to see me, churlishly, I would not pay him one peny more of money; and I must ingeniously confess, I have no cause in the least to complaine of the man in point of civility, nor he of me in performing my promise: for I have paid him, though it hath been with some straights to me, betwixt 20. and 30. l. which I am now able no longer to pay.

And therefore I desire you, according to your duty which by law you are bound unto, to provide me a prison lodging gratis: for I professe unto you, no more rent I can, nor will pay, though it cost me a dungeon (or as bad) for my pains. And truly, Sir, I shall deale ingeniously with you, and give you the true reason wherefore I condescended to pay chamber rent at first, and have done it so long; it was because I had extraordinary potent adversaries to deale withall, viz. the House of Lords, or Peeres, as they are called, who had pretty well managed their dealings with like tyrants, in keeping very strictly my friends from me, and also pen, ink, and paper, that so I was debarred of all ability in the world, to publish to the view of the whole Kingdome, my own innocency, and their inhumane and barbarous tyranny, which they knew well enough I would doe, if I had not been debarred of all meanes to doe it, and then fell upon me, and transcendently sentenced me to pay 4000 l. &c. and

and illegally and unjustly entered notorious crimes against me in their records. And you know I told you at my first coming to the Tower, I was refreshed at the hopes of my being freed from my close imprisonment; but your falling so heavily upon me as you did, struck me to the heart, and made me believe it was possible I might have been destroyed before I should have an opportunity publicly to clear my own unspotted innocency in reference to the Lords, and to anotamize their tyranny; both of which my soul thirsted after, and therefore if I had been able, I would have purchased an opportunity to have done it, though it had cost me 20. l. a week. And truly, Sir, I have done my doe, and in despite of all the Lords, published, and truly and faithfully stated my cause to the view of the whole Kingdome. First, in my Wives Petition, delivered by her to the House of Commons, Septem. 23. 1646. which I pen'd and framed my selfe without the help or assistance of any Lawyer in England. And secondly, in my Book called, *Londons Liberty in Chains discovered*. And thirdly, twice before the Committee of the Honorable House of Commons. The last discourse of which I published to the view of all the Commons of England, and called it, *An Anotomy of the Lords tyranny*. And besides, some of my friends, or well-wishers have done it excellent well for me, in those two notable discourses called, *Vox Plebis*, and *Regall Tyranny discovered*, which will live when I am dead; and be (I hope) as good as winding sheets unto the Lords; and therefore I am now ready for a Dungeon, or Irons, or Death it selfe, or any torture or torment that their malice can inflict upon me; and seeing that I cannot by any meanes I can use, get my report made to the House of Commons, and so enjoy justice and right at their hands, (*which I beg not of them as a Boon, but challenge of them as my due and right*) by reason of the Lords, and the rest of their Prerogative Co-partners influence in the House of Commons to divert them from the great affairs of the Kingdome, in doing justice and right unto the oppressed, and putting them upon making Lawes, Edicts, and Declarations, to persecute and destroy the generation of the righteous, and so bring the wrath and vengeance of heaven and earth upon them and theirs: (*Read Mr. Thomas Goodwins Sermon preached before them Feb. 25. 1645. called, The great Interest of States and Kingdomes*) and also lay a great blot of reproach upon them by all the rationall men in the world, for endeavouring to destroy a generation of peaceable and quiet-minded men, that have contributed all they had and have in the world, for their preservation; and by whose undaunted valour and blood-shed, as principall instruments they enjoy liberty at this day, to sit in the House of Commons, and to be what they are. (Sure I am, the Spirit of God saith, *That he that rewardeth evill for good, evill shall not depart from his House, Prov. 17. 13.*) And yet for any thing I can perceive, the best reward is intended these men from those they have done so much for, is ruine and destruction, that so that Antichristian office and function of Priesthood, newly transformed into a pretended godly and reformed Presbyter, may againe be established, although by the second Article of the Covenant (now more magnified by the sonnes of darknesse and blindness then the book of God) *they have expressly sworn to root up that Function by the root*. The words of the Covenant are *What we shall in like manner, without respect of persons, endeavour the extirpation of Popery, Prelacy, (that is Church-government by Arch Bishops, Bishops, their Chancellors and Commissaries, Deans, Deans and Chapters, Arch-Deacons, and all other Ecclesiasticall officers* depending



depending on that Hierarchie) superstition, heresie, schisme, prophaneesse, &c. Mark the sentence, And all other Ecclesiasticall Officers depending on that Hierarchie in the number of which are those pretended reformed Presbyter-Ministers, that either sit in the Assembly, or are in any other place in the Kingdome, that officiate by vertue of their Ordination, which they had from the Bishops, or any, by vertue of their Authority. And I will maintaine it with my life, that he is a forsworn man (whether he bee Parliament-man or other) that hath taken the Covenant, and doth contribute any of his assistance to maintaine, preserve, and uphold that Ordination of the Presbyterian Ministers, that they reserved from the Bishops; or putt any man for writing, preaching, or speaking against it, or any other wayes endeavouring the destruction or extirpation thereof. For the expresse words, of the Covenant are, that we must endeavour the extirpation of all Officers (without exception) depending on that Hierarchie; part of which, all the fore-mentioned Ministers are, being ordained Priests and Deacons by the Bishops, and have no other Ordination to this very day, but what they had from them. But if they shall say, they were ordained by them not as Bishops, but as Presbyters; I answer, This is a simple foppish distinction: For as well may the Bishops say, They were not ordained by the Pope, or his Bishops, quatenus Pope or Bishops, but quatenus Presbyter, or Presbyters, and so are in every particular as lawfull Ministers as any of these men that have their ordination from them, and yet have endeavoured to draw the whole Kingdome into a Covenant sinfully to extirpate them that are Christs Ministers upon their owne Principles, as really, truly, and formally, as any of themselves. But in the second place, if they were ordained Presbyters by the Bishop, not as Bishops, but as Presbyters, then are these present reformed Ministers less then Presbyters. For the Author to the Hebrewes, chap. 7. v. 7. saith, without all contradiction, the lesse is blessed of the better, or greater. And I desire the learned Presbyters to shew me one example in all the New Testament, that ever any Officer ordained another Officer in the same Office and Function that he himselfe was in. Thirdly, I desire to know of these reformed Presbyterian Ministers, that seeing as they themselves confesse, the Bishops Office and function was and is Antichristian, how is it possible their Ministeriall Function, or Ordination, can be Christian, that like a streame flowed from them the fountaine? Sure I am, Job demands this question; who can bring a cleane thing out of an unclean? And by the Spirit of God he answers; Not one Job 14. 4. And Iames interrogates, saying, Doth a fountaine send forth at the same place, sweet water and bitter? Or can the Fig tree, my brethren, beare Olive-berries? either a Vine; Figges? Therefore in a positive negation he concludes, that no fountaine can both yeeld salt water and fresh, Iames 4. 11. 12.

And therefore seeing THOMAS THE GANGRÆNA, the Ralsbush Champion of the new sprung up Sect in England of Presbyters, who may more truly and properly be called Schismatickes, then of those he so brands; for they have separated from their Ghostly Fathers the Bishops, and yet are glad to hold their ordination, and are therefore schismaticall.

And therefore seeing in his last GANGRÆNA he hath fallen so point blanke upon me, for no other cause but for standing for the Fundamentall Lawes of England, which, if he had not an absolute desire to be notoriously forsworn, he might know his Covenant binds him to doe the same. But seeing he there plays the simple man to fight with his owne shadow, and doth not in the least meddle, for any thing I can perceive

perceive (by so much as I have read of his Book, which, so neare as I could find, was every place where I was mentioned) with the Statutes and other Legall Authorities, that I cite in my wives petition, and else-where, to prove, *That all the Commoners of England ought in all criminall cases to be tryed by their Peers, that is, Equalls; and that the House of Lords, in the least, are not the Peeres of Commoners*: And therefore seeing seemingly by that ulcerous book, he hath given me something to answer that concernes me, I will really and substantially give him something to answer, that in good earnest concerneth him, and all the rest of his bloody-minded, pretended reformed fellow-Clergy Presbyters; that lying, deceitfull, forsworn, and bloodye Sect, of whom it is true that the Prophet said of the Prophets of old, *That they make the people to erre, and bite with their teeth, and cry peace; and be th. t putteth not in their moutbes, they even prepare warre against him*, Micah 3. 5. And that at present I have to put him to answer, shall be certain Arguments which I made when I was close prisoner in irons in the Fleet, against the then Episcopall Ministers of the Church of England, which will serve in every particular, against the present Presbyterian Ministers, and you shall find them thus laid downe in the 23. page of my Book called, *An Answer, of 9. Arguments written by T.B. and printed at London, 1645.*

*First, That every lawfull Pastor, Bishop, Minister, or Officer in the visible Church of Christ, ought to have a lawfull call, and be lawfully chosen into his Office, before he can be a true Officer in the Church of Christ, Acts 1. 23, 24, 25. and 6. 3, 5, 6. and 14. 23. Gal. 1. 1. Heb. 5. 4.*

*But the Ministers and Officers in the Church of England, (as well Presbyterian as Episcopall) have not a lawfull call, neither are lawfully chosen to be officers in the Church of Christ. See the booke of Ordination of Bishops, Priests, and Deacons, as also the Directory, and compare them with the Scripture.*

*Therefore all your Ministers are false and Antichristian Officers, Rev. 9. 3. and 13. 2. and 16. 13.*

*Secondly, the doing of those actions that belong to the execution of an Officer, doth not prove a man to be a lawfull Officer, but a lawfull power instating him into his Office, Acts 8. 4. and 11. 19, 20. and 18. 24, 25, 26. 1 Cor. 14. 29, 30, 31. 1 Pet. 4. 10.*

*But all the Ministers in the Church of England have nothing to prove the Lawfulnessse of their standing in the Ministry, but the actions of a Minister, and are not in the least able to prove that they are instated in the Ministry by vertue of a lawfull power and authority.*

*Therefore they are no true Ministers of Christ, but false and Antichristian Ministers of Antichrist.*

Thirdly, againe in the third place upon your owne grounds, I frame this Argument.

*Those that by their Ministry doe not accomplish the same ends, that the Ministry of the Apostles did, are no true Ministers.*

*But the Ministers of the Church of England, doe not accomplish the same ends, by their Ministry that the Ministry of the Apostles did, 1 Cor. 11. 2.*

*Therefore your Ministers are no true Ministers of Iesus Christ. But Gangrena one word more at present to you, seeing in the 271, 281. p. of your late 3d. Gangrena, you fall*

fall so exceeding heavie upon me," and my honest Comrade Mr. *Overton*, and say "that if these two audacious men, their daring bookes shall escape without exemplary punishment, and instead thereof be countenanced and set free; I doe as a Minister pronounce (but I say it is as one of Sathans) "that the plague of God will fall upon the heads of those that are the cause of it.

Come Antagonist, let us come to a period; for I hope, for all your mallice you are not yet so farre gone beyoud your selfe as to desire to have me hanged or killed, and then condemned and adjudged, and therefore I will make you two faire propositions,

First, (in reference to the Lords whose *Goliath* and *Rabshaka*-like Champion you are) "that if you please to joyne with me in a desire to both Houses, I will so far goe below my selfe, and my present appeale now in the House of Commons, (always "provided it may not be no prejudice to the benefit I shall justly expect "from my said appeale, and joyne with you in this desire, that there may be by both "House, a proportionable number thereof, mutually by themselves chosen out "to sit openly, and publickly in the painted Chamber, where I will against you by "the established Lawes of this Land, maintaine against you and all the Lawyers "you can bring, this position (which is absolutely the contest betwixt the Lords and me) **THAT THE LORDS AS A HOUSE OF PEERS, HATH NO JURISDICTION AT ALL OVER ANY COMMONER IN ENGLAND, IN ANY CRIMINALL CASE WHATSOEVER,** and if you will, I will "wholly as in reference to the contest betwixt you and me, stand to the vote, and "abide the judgement and sentence of that very Committee, whose vote upon the "fore-mentioned termes, if you will tye your selfe, I will tye my selfe, either "actually to execute, or passively to suffer and undergoe it.

In the second place, because so farre as I am able to understand your meaning in your fore-mentioned pages, you would have me dealt withall, as the Earle of *Strafford*, and the *Bishop of Canterbury* was, "for indeavouring (as you say) with "so much violence, the overthrow of the three Estates, and the Lawes of the Kingdome, and in the stead of the fundamentall Government and constitution of this Kingdome, to set up an Utopian Anarchy of the promiscuous multitude "and the "lusts and uncertain fancies of weake people, for Lawes and Rules.

Now in regard of the distractions of the Kingdome which are many, and that they might not be made wider by new books from either of us, I shall be very willing for peace and quiet sake, "to joyne with you in a Petition to the House of "Commons to appoint a select Committee publickly to examine all things that "are amasse in your bookes and mine, and to punish either, or both, according to "Law and Justice without partiality, and I appeale to all ratioll men in the world; whether I have not offered faire or no.

But in regard I know not whether you will imbrace my proffer, I shall speake a little more for my selfe, and reduce all to these three heads.

"First, whether the Lords have by the knowne Law of the Land any jurisdiction "over the Commoners, or no?

"Secondly, whether in the Parliaments own publick declarations in Mr. *Prinns* "Sovereign power of Parliaments, and in the Assemblies exhortation to take the "Solemn League and Covenant, and other Presbyterian bookes, licenced by pub-  
licke



the authority, and others sold without controule, there be not more said to iustifie and maintaine, that which Gangræna calls Utopian Anarchy, then in any bookes whatsoever published by these he calls Sectaries?

Thirdly, whether or no that out of my owne words, in my booke called *INNOCENCY AND TRUTH IUSTIFIED*, there can any thing be drawn to iustifie the Lords in that which now I condemne them in: as Gangræna affirmes, pag. 157, 158.

For the first, see what the 29. Chapter of *Magna Charta* saith.

“No free-man shall be taken or imprisoned, or be disseised of his free hold, or Liberties, or free Customes, or be outlawed, or exiled, or any otherwise destroyed, nor wee will not passe upon him, nor condemn him, but by lawfull judgement of his PEERS, or by the Law of the Land.

See the 3. of E. 1. ch. 6. And that no Citie Borough, nor Town, nor any man be amerced without reasonable cause, and according to the quantity of his trespassse, 9. H. 3. 14. that is to say, every free man, saving his free hold, a Merchant saving his Merchandise, a villain saving his waynage, and that by his or their Peers.

Now here is the expresse Law of the land against the Lords jurisdiction over Commons in criminal cases.

Now in the second place, let us see what one of the ablest expositors of the Law that ever writ in England saith, of this very thing, and that is Sir Edward Coke, in his exposition of *Magna Charta*, 2. part institutes, which booke is published by two speciall orders of the Present House of Commons, as in the last page thereof you may read: who, in his expounding the 14. Chapter of *Magna Charta*, pag. 38. saith, Peers signifie, Equalls, and pag. 29. he saith, the generall division of persons by the Law of England is either one that is noble, and in respect of his nobility, of the Lords House in Parliament; or one of the Commons of the Realme, and in respect thereof, of the House of Commons in Parliament, and as there be divers degrees of Nobility, as Dukes, Marquesses, Earles, Viscounts, and Barrons, and yet all of them are comprehended within this word, PARES; so of the Commons of the Realme, there be Knights, Esquires, Gentle-men, Citizens, Yeomen, and Burgessees of severall degrees, and yet all of them of the COMMONS of the Realme, and as every of the Nobles is one Peere to another, though he be at a severall degree, so is 1 of the Commons; and as it hath been said of men, so doth it hold of Noble-women, either by birth, or by marriage, but see hercofs, Chap. 29.

And in Chap. 29. pag. 46. Ibim he saith, no man shall be disseised, that is, put out of possession, or disposed of his freehold (that is) Lands or livelihood, or his liberties, or free Customes, that is, of such franchises and freedomes, and free Customes, as belong to him by his birth-right, unlesse it be by lawfull judgement, that is, verdict of his equalls (that is men of his owne condition) or by the law of the Land, (that is to speak it once for all) by the due course and proceesse of Law.

No man shall be in any sort destroyed, (to destroy id est; what was first built and made, wholly to overthrow and pull down) unlesse it be by the verdict of his equalls, or according to the Law of the Land.

And so saith he is the sentence (neither will wee passe upon him) to be understood, but by the judgement of his Peers, that is equalls, or according to the Law of the Land, see him pag. 48. upon this sentence, per iudicium Pacium suorum, and page 50. he saith it was enacted that the Lords and Peers of the Realme should not give judgement upon

any but their Peers: cites Rot. Parl. 4. E. 3. nu. 6. but making inquiry at the Record Office in the Tower. I had this which followes, from under the hand of Mr. William Collet the Record-Keeper.

## Out of the Roll of the Parliament of the fourth yeare of *Edward* the third.

### The First Roll

*Records and Remembrances of those things which were done in the Parliament summoned at Westminster, on Munday next after the Feast of Saint Katherine, in the yeare of the reigne of King Edward the third, from the Conquest, the fourth, delivered into the Chancery, by Henry de Edenstone Clerk of the Parliament.*

**T**Hese are the Treasons, Felonies, Wickednesses, done to our Lord the King, and his people, by *Roger de Mortimer*, and others of his confederacie. First of all, whereas it was ordained at the Parliament of our lord the King, which was held next after his coronation at *Westminster*, that four Bishops, four Earles, and six Barons, should abide neere the King for to counsel him; so alwayes that there may be foure of them, *viz.* one Bishop, one Earle, and two Barons, at the least, And that no great businesse be done without their assent, and that each of them should answer for his deeds, during his time. After which Parliament, the said *Roger Mortimer*, (not having regard to the said assent) tooke upon himselfe Royall power. and the government of the Realme, and encroacht upon the State of the King, and ousted, and caused to be ousted, and placed Officers in the Kings House and else where, throughout the Realm at his pleasure, of such which were of his minde, and placed *John Wyard* and others over the King, to espy his actions and sayings; so that our Lord the King was in such manner environed of such, as that hee could not doe any thing at his pleasure, but was as a man which is kept in ward.

*The judgement of Roger de Mortimer.*

Also whereas the Father of our LORD the KING, was at *Kenilwarth*, by ordinance and assent of the Peers of the Land, there to stay at his pleasure for to be served as becommeth such a Lord, the said *Roger*, by Royall power taken unto himselfe, did not permit him to have any money at his will; and ordered that he was sent to *Barkly* Castle, where by him and his, he was traitorously and falsly murdered and slain.

But that which is this to my purpose, is *Roll the second*, being the judgement of Sir *Simon de Bereford*, which verbatim followeth thus.

The

*The Second Roll.*

**A**lso in the same Parliament, our Lord the King did charge the said Earles and Barons, to give right and lawfull judgement, as appertained to *Simon de Bereford*, Knight, who was aiding and counselling the said *Roger de Mortimer* in all the treasons, felonies, and wickednesses, for the which, the aforesaid *Roger* so was awarded and adjudged to death, as it is a known and notorious thing to the said Peers, as to that which the King intends.

The which Earles, Barons, and Peers, came before our Lord the King in the same Parliament, and said all with one voice, that the foresaid *Simon* was not their Peer, wherefore they were not bound to judge him as a Peer of the Land.

But because it is a notorious thing and known to all, that the aforesaid *Simon* was aiding and counselling the said *Roger* in all the treasons, felonies, and wickednesses aforesaid, (the which things are in usurpation of Royall power, Murder of the Liege Lord, and destruction of Blood-Royall) and that he was also guilty of divers other felonies and Roberies, and a principall maintainer of Robbers, and felons: and the said Earles, Barons, and Peers, did award and adjudge as judges of Parliament by the assent of the KING, in the same Parliament, that the said *Simon* as a Traytor, and enemy of the Realm, be drawn and hanged. And, thereupon it was commanded to the Martiall, to doe execution of the said judgement. The which execution was done, and performed the Munday next after the Feast of *St. Thomas* the Apostle.

*In the same Roll.*

And it is assented and agreed by our Lord the King, and all the Grandees in full Parliament, that albeit the said Peers as Judges of Parliament, took upon them in the presenee of our Lord the King to make and give the said judgement by the assent of the King upon some of them which were not their Peers, and that by reason of the murder of the Liege Lord, and destruction of him which was so new of the blood-Royall, and Sonne of the King: that therefore the said Peers which now are, or the Peers which shall be for the time to come, be not bound or charged to give judgement upon others then upon their Peers, nor shall doe it: But let the Peers of the Land have power) but of that for ever they be discharged and aquit, and that the aforesaid judgement now given, be not drawn into example, or consequent for the time to come, by which the said Peers may be charged hereafter, to judge others then their Peers, against the Law of the Land, if any such case happen, which God defend.

*Agreement  
not to bee  
drawn into  
example.*

*Agreeth with the Record.*

*William Colet.*



It is the saying of the Spirit of God Eccle. 4. 9. *Two are better then one, and a threefold cord is not easily broken*, so that to prove my position true for all the *Ralsb. ka* Language of *Gangrena*, I have first the *fundamentall Law* point blank on my side, and secondly the judgement of one of the ablest Lawyers that ever writ in England, and his judgement authorized (as good and sound) by the present House of Commons, to be published to the view of the whole Kingdome, and thirdly, the *Lords owne confession*, for if you marke well, the two last lines, of the fore-cited record, you shall find, they ingeniously confesse and declare, *that it is against the Law of the Land, for them to judge a Commoner*, and for further confirmation of this, read *Vox Plebis* pag. 18, 19. 36. 37, 38. 39, 40. 41, 42, 44, 45. But if the *Vicerous Gangrena* please to read a late printed booke, called *Regall tyranny discovered*, he shall find that the Author of that Book, in his 43, 44, 45, 46, 47, 86. pages, layes downe many strong arguments to prove, *That the house of Lords have no Legislative power at all* And in his 94. 95, 96. 97. pages he declares and proves, *That before will. the Conquerer subdued the rights and Priviledges of Parliaments, that the King and the Commons held and kept Parliaments without temporall Lords, Bishops, or Abbets*. The two last of which, he proves, *had as true and good right to sit in Parliament, as any of the present Lords now sitting at westminster*, either now have, or ever had.

For the second thing, which is, Whether or no there be not in the present Parliaments Declarations, and in the Assemblies exhortation to take the Covenant, and in Mr. *Prynns* Sovereign power of Parliaments, and other Presbyterian books publickly licenced, and others sold without controll, as much, if not more, said, to set up, or maintain that which *Gangrena* calls *Vtopian Anarchy*, then in any Books what ever published by those he calls *Sectaries*? And I averre it positively, *There is*, and shall joyn issue with *Gangrena* to prove it in every particular. Therefore let him publish an exact Catalogue of any of our Positions, when he pleaseth, and I doubt not but to make it evident, that it cannot justly by them be counted any vice in us, to tread in their steps, especially seeing they have accounted them so full of piety, truth and honesty; as they have done.

Now first, for the Parliaments Declarations, read but the Kings answers to them, and you shall easily see he layes it as deeply to their charge *of endeavouring to set up Anarchy*, as *Gangrena* doth either to mine or Mr *Overtons*; yea, and instances the particulars, and tells them plainly, *The Arguments they use against him, will very well in time serve the people to turn against themselves*.

And as for Mr. *Prynns* Sovereign power of Parliaments, I never read more of that Doctrine (in any Book in all my life) that *Gangrena* so much condemnes in me, &c. then in that very Book, which is licenced by Mr *White*, a member of the House of Commons, and in his dayes as stiff a Presbyterian as *Gangrena* himselfe. See his 1. part Sover. pag. 5, 7, 8, 9, 19, 26, 29, 34, 35, 36, 37. But especially 42, 43, 44. 47 57, 92. And 2. part pag. 41, 42, 43, 44, 45, 46. and 73, 74, 75, 76. and 3. part, 11, 12, 13, 14, 15, 16, 17. and 61, 62, 63, 64, 65. and 131, 132, 133.

And 4. part, pag. 10, 11. 15, 16. See his Appendix there, unto pag. 1, 2, 3, 4, 5. & 11, 13, 13 &c.

Besides these, see the first and second part of the *Observations; Maximes unfolded; the case of Ship-money briefly discoursed; A new Plea for the Parlement; A fuller Answer to a Treatise, written by Dr. Fein, with divers others.*

Now

Now for the third thing which is the triumph *Gangrena* makes in his 3 part *Gangrena*, pag. 1 & 8, which is that in my Book called *Innocency and truth justified*, which I published the last yeare, 1645. I give that to the Lords, which now I in 1646. in many wicked Pamphlets would take a way from them: such new light, faith he, hath the successe of the new modell: and the recruit of the house of Commons brought to the *Securities*: Well! will the man stand to this? if hee will, then I desire the impartiall Reader to judge betwixt us, and turne to the 11, 12, 36, 37, 74 pages of that Book, in which pages, is contained all that any way makes to his purpose; or else turne to the 157 pag. of his book, and see if in all my words there quoted by him, there is any thing that carries the shadow of giving that to the Lords, that now I would take from them; for there I am reasoning with Mr *Pryn*, or the House of Commons, not upon my principles, but their own.

And therefore, I say, a Committee of the House of Commons, is not the whole Parliament; no, nor the whole House of Commons it selfe, according to their own principles, which is the only clause he can fix upon.

And good Mr. *Gangrena*, is it not as just, and as man-like in me, if I be set upon, by you, when I have no better weapons to cudgell you with, then your own, to take them from you, and knockt your pate, as to make use of my owne proper weapons, to cut you soundly, or any other man that shall assault me to the hazzard of my being, and this is just my case, that you count such a disgrace unto me.

But say you there, I have owned their legislative power, and their judicative power over commons: Therefore, you draw an inference to condemne me from mine own practice. Alas man! may not I Lawfully seeke or receive a good turn from the hands of any man, & yet as lawfully doe my best, to refuse a mischief from him?

But secondly, I answer, what though the 4. of May. 1641. I stooped to arryall at the Lords Barre, upon an impachment against me, by the King, doth that ever the more justifie their Authority, or declare me to be mutable and unstable? no, not in the least; for you cannot but know the saying of that most excellent Apostle *Paul*, 1 Co. 13. 11. *When I was a child, I spake as a child, I understood as a child, I thought as a child; but when I became a man, I put away childesh things.* So say I to you: five or six yeares ago, I knew nothing but the Lords Jurisdiction was as much more above the House of commons (over Commons) as their Robes and Grandeur in which they sat was above them; especially seeing at all conferences betwixt both Houses I see the members of the house of commons stand bare before the Lords: for which action I now see no ground for, especially having of late read so many bookes which discourseth upon the Lords jurisdiction, which was upon this ground about a moneth or six weeks before the Lords cast me in prison.

A Gentleman, a Member of the house of Commons, and one that I believe, which wiseth me well, bid me look to my selfe, for to his knowledg, there was a designe amongst some of the Lords (the grounds of reasons of which, he then told me) to clap me by the heeles, and to fall so heavie upon me, as to crush me in pieces, or else make me at least an example, to terrifie others, that they should not dare to stand for their Rights.

And being thus fore-warned, I was halfe a med, which made me discours upon every opportunity with any that I thought knew any thing of the Lords Jurisdiction, and I found by a generall concurrence, that the 29. Ch. of *Magna Charta*, was expressly

against the Lords jurisdiction over Commoners in all criminall cases : And upon that ground I protested against them : and then upon further inquiry, I found Sir *Edward Cook's* Judgement expressly against them, as is before recited: which book, Mr. *Gangrena*, I must tell you, is published since my first tryall before the Lords, and was not publickly in being when I then stooped unto their jurisdiction ; and then comming prisoner to the Tower, one of my fellow-prisoners very honestly told me of the fore-mentioned Record of Sir *Simon de Bereford*, which presently with all speed under Mr. *Collets* hand I got out of the Records office.

All which just and legall authorities and testimonies makes me so stiffe against the Lords as I am : and I hope I shall continue to the death against them in the thing in question betwixt us, as unmoveable as a brazen Wall; come hanging, come burning, or cutting in pieces, or starving, or the worst that all their malice and ulcerous *Gangrena* Priests put together can inflict : for all that I principally care for, is to see if the thing I engage in, be just; and if my conscience upon solid and mature deliberation, tell me it is, I will not by the strength of God, if once I be engaged in it, either goe through with it or dye in the midst of it, though there be not one man in the world absolutely of my mind, to back me in it.

But lastly, admit in former times, I had been as absolute a Pleader for the Lords jurisdiction over Commoners, as now I am against them.

Yet truly, a man of Mr. *Gangrenes* coat is the unfittest man in the Kingdome to reprove mee for it. For his Tribe, I meane of Priests and Deacons, those little toes of Antichrist, now called reformed Presbyters, are such a Weather-cock, unstable generation of wavering minded men, as the like, are not in the whole Kingdome.

For their predecessors in *Henry* the 8. dayes were first for the Pope, & al his Drudgeries, and then for the King and his new Religion, and then 3. in his time returned to their vomit againe : and then fourthly in *Edward* the 6. dayes became by his proclamation, godly reformed Protestants: and then 5. in *Queen Maries* dayes, by the authority of her, and her Parliament (which Parliament I doe aver in, and will maintaine, had as true a ground to set up compulsive Popery, as this present Parliament hath to set up compulsive Presbytery) became for the generality of them bloody and persecuting Papists: and then 6. by the authority of *Queen Elizabeth* and her Parliament, who had no power at all, no more then this present Parliament to wrest the Scepter of Christ out of his hands, and usurpedly to assume the Legislative power of Christ, to make Lawes to governe the Consciences of his people ; which they have nothing at all to doe with, He, having made perfect, compleat, and unchangeable, Lawes himselve, *Esa.* 9. 6. 7. and 33. 20. 22. *Ast.* 1. 3. and 3. 22, 23. and 20. 26, 27. *1 Cor.* 11. 1. 2. *1 Tim.* 6. 13. 18. *Heb.* 3. 2 3, 6. became againe a Generation of pure and reformed Protestants, and have so continued to this present Parliament: But now like a company of notorious forsworne men ( who will be of any Religion in the world, so it curry along with it profit and power ) after they have for the generallity of them, taken and sworn six or seven Oaths, that the Bishops were the only true Church-government, and that they would be true to them to the death,

Yet, have now turned the 7. time, and engaged the Parliament and Kingdome in an impossible-to-be-kept oath and Covenant, to root up their ghostly Fathers the Bishops, as Antichristian, from whom as Ministers they received their life and Being.

Yea,



Yea, and now the 8th. time have turned and false from that Covenant and Oath, by which they made all swear that took it; not only to root out Bishops but all Officers *whatsoever that dependeth upon them*. in the number of which, are all themselves, having no other ordination to their Ministry, but what they had from them, and so are properly, really, and truly *dependents upon them*; and yet now or late have by themselves and instruments, as it were forced the House of Commons to passe a vote, to declare themselves all forsworn, that had a finger in that vote, and so a people not fit to be trusted, For, by their late vote, *no man what ever must preach and declare Jesus Christ, but he that is Ordained; that is to say, unlesse they be depending on the Bishops by Ordination or else on the Presbyters, who are no Presbyters, unlesse they depend on the Bishops for their Ordination:* for they have no other: and what is this else, but to punish every one that shall truly endeavour the true and reall performance of the Covenant? Truly, we have lived to a fine forsworn age, *that men must be punished, and made incapable to beare any office in the Kingdome, if they will not take the Covenant.*

And then if they doe take it, it shall be as bad, if they will not forswear themselves every moment of time, that the assembly shall judge it convenient, and the house of Commons vote it.

And truly, there is in my judgment a good stalking-horse for this practice in the Assembly of Dry-vines (alias Divines, Deut 32.32. 33. Esa 44.25) *Exhortation to take the Covenant* in these words, and if yet there should any oath be found, into which any Ministers or others have entred, not warranted by the Lawes of God, and the Land, in this case, they must teach themselves and others, that such Oathes call for repentance, not partinary in them; that is to say, that neither the Covenant, nor any other Oath whatsoever, that they have before, or hereafter shall take, binds them any longer then the time that they please to say it is not warrantable by the Lawes of God, and the Land, and so by this Synodian Doctrine, a man may take a hundred Oathes in a day, and not be bound by any of them, if he please,

Besides, I would faine know, if by the Parliaments so eager pressing of the Covenant, they doe not presse the hastning of many of their owne destructions: For by the Covenant every man that takes it, is bound thereby to maintaine and preserve the Fundamentall Lawes of the Kingdome, which is every day trodden under foot, by some of the members of both Houses arbitray practices, not only towards Cavaliers, (for which they have some colour by pleading necessity) but also towards those of their owne party, that have as freely and uprightly adventured their lives to preserve the lawes and liberties of the Kingdome, as any of themselves: for justice and right effectuallly they have scarce done to any man that is a suiter to them. And therefore I here challenge all the Members of both Houses, from the first day of their sitting to this present houre, to instance me, that man in England, that is none of themselves, nor dependance upon themselves, that they have done effectuall justice to, though they have had thousands of Petitioners and Complainants for grand grievances before the Parliament; some of which have, to my knowledge, even spent themselves with prosecuting their businesse before them, and run themselves many hundred pounds thick into debt to manage their businesse before them, and yet to this houre not one peny the better; and yet they can find time enough  
face.

since I came prisoner to the Tower, to vote or share about 200000. l. of the Common wealths money amongst themselves, as may cleerly be particularized by their owne newes books, &c. licensed by one of their Clerks. *O horribile & tyrannicall wickednesse!* Was a Parliament in *England* ever called for that end, as to rob and poll the poore common people, and to force those that have scarce bread to put in their mouths, to pay excise, and other taxations, for esse to rob and plunder them of all they have, and then share it amongst the members of both houses: as 10000. l. to one man, 6000. l. to another, 5000. l. &c. to another, and this many times to those that never hazarded their lives for the Weal-publique; no, nor some of them never intended, I am confident of it, good to the generality of the people, but that they should be as absolutely their vassals and slaves (if not more) as ever they were the King. *O thou righteous and powerfull Iudge of Heaven and Earth*, that of all the base things in the world, hatest and abhorrest dissemblers & hypocrites. *Ier. 7. 9. 10, 11, 12. to 16. Mat 23.* deale with these the greatest of Dissemblers thy selfe, who like so many bloody and cruell men, have ingaged this poore Kingdome in a bloody and cruell war, pretendedly for the preservation of their lawes and liberties; when as God knowes by a constant series of actions, they declare they never truly and really intended any such thing, but meerly by the blood and treasure of the people, to make themselves tyrannicall Lords and Masters over them: So that for my part, if I should take the Covenant, I protest it before the God of Heaven and Earth, without fear or dread of any man breathing; I should judge it my duty, and that I were bound unto it, in conscience, by vertue of my oath, to doe my utmost to prosecute even to the death, with my sword in my hand, every member of both Houses, that should visibly ingage in the destruction of the Fundamentall Lawes and liberties of *England*, and prosecute them with as much zeale, as ever any of them prosecuted the King: for tyranny, is tyranny, exercised by whom soever; yea, though it be by members of Parliament, as well as by the King, and they themselves have taught us by their Declarations and practises, that tyrannie is resistable; and therefore, their Arguments against the King, may very well serve against themselves, if speedily they turne not over a new lease: for what is tyranny, but to admit no rule to govern by, but their own wills? 1. part col. declar. pag. 284. 694.

But *Thomas Gangrena*, one word more to you, and your threatening to write a booke against liberty of Conscience, and toleration of Religion: I pray let me aske you this question, if the Magistrate, quatenus Magistrate, be Iudge of the Conscience, and thereby is indowed with a power to punish all men, that he judgeth, conceiveth, or confidently beleeveth, are erroneous and hereticall, or because in religion he differeth from the magisteriall Religion in the place where he lives, Then I pray tell me, whether all Magistrates, quatenus, Magistrates, have not the very same power? And if so, then doth it not undeniably follow, that *Queen Mary* and her Parliament did just in her dayes, in making a law to burne those Heretiques, that dissented from her established Religion? who were as grosse in their tenents in the then present Magistrates eyes: as any of your Sectaries tenents, are now in the present Magistrates eyes: and if you, and your bloody brethren of the Clergy-Presbytery, shall ingage the present Parliament and Magistracie, to persecute the Saints and people of God, under pretence of hereticall Opinions, I will upon the hazard of my life justifie

Justifie and prove it against you, and the present Parliament, that you and they thereby Justifie Queen Mary in murdering and burning the Saints in her dayes, yea, and all the bloody, persecuting Roman Emperors, that caused to be murdered thousands of the Saints, for bearing witness to the testimony of Iesus; yea, and all the persecutions of the Jewes, against Christ and his Apostles, yea, and the putting them to death, and so bring upon your owne heads all the righteous blood shed upon the Earth, from the dayes of righteous Abel, to this present day, Matth. 23. 29, 30, 31, 33, 34, 35. which I warrant you will bring wrath and vengeance enough upon you.

Now Mr. Lieutenant, a few words more to you, and so conclude; I desire you in the next place, not only to provide me gratis, a prison Lodging, for I can pay Chamber rent no longer; but also to provide me my diet according to the custome of the place; for you cannot but know, and if you doe not, I now tell you, that the King was alwayes so noble and iust, as to doe it to all the Prisoners he committed to this place, of what qualitie soever, of the truth of which \* Col. Long, Col. Hollis, and Mr. Sel-  
 \* Who as I have lately heard, confessed he spent his Maiesty 1500. l. while he was a prisoner here. den, &c. now members of the house of Commons, can informe you, and how that themselves, when they were the Kings prisoners here in the 3. of His Reigne, for speaking and acting freely in the Parliament, were maintained by the King, according to their qualities, though some of them had great estates of their owne, in their owne possessions and enjoyments, and now as the newes books tell me, are voted 5000. l. pece, for their then illegall sufferings.

And Sir, the Lords who committed me hither, have in great measure the Kings Revenue in their hands at their dispose, and therefore, I expect now I seek for it, they shall be as just as their Master (whom they have so much condemned for injustice) and provide for me according to my quality. And, Sir, I must tell you, that I am very confident I have as many noble qualities in me, and as much of a man in every respect, as any of those that sent me hither: (For Titles of Honour, without Honesty and Justice, are no excellenter then a gold ring in a Swines snout,) Yea, and have given as large a declaration of it to the view of the world, as any of them, whatever hath done, And therefore Sir, if they shall deny me this piece of justice and equity, I will, by Gods assistance, tell them as well of it, as ever they were told in their lives.

But, Sir, in the third place, if this faile me, I desire you to speake to them to allow me interest for my two thousand pounds, (it being scarce twice so much as I have spent since I first became a suiter for it,) that they the last yeare decreed me, for my illegall, bloody barbarous, and inhuman sufferings by the Star-Chambers; which, I dare confidently say, were more tormenting then all the sufferings of the above mentioned Gentlemen, and their co-partners. (See my printed Relation of it made at the Lords Barre 13. Feb. 1645.) For which as I understand, there is 50000. l. reparations voted them by the House of Commons,) that so I may have something of my owne to live upon. For without all, or most of the three fore-mentioned things be done for me; I must either perish, or run exceedingly into debt, which I confesse I am very loath to doe: or lastly, live upon the almes of my friends, which I profess, is not pleasant unto me, And besides, the freest horse, or horses in the world, with  
 D  
 co



continuall riding, may not only be wearied, but also jaded and tyred.

But if they will not yeeld that I shall have my lodging gratis, and my diet found by them, nor interest for my many yeares expected, and long looked for 2000. l. that last yeare they decreed me; nor the remainder of my just arrears, which (yet is divers hundreds of pounds, that I faithfully, valiantly, and dearly earned with the losse of my blood) to maintain and keep me alive, and my wife and small children.

Then, as my last request; I intreat from you to desire them to call me out to a legall tryall, and by the law of the Kingdome, (but not their arbitrary wills) either to be justified or condemned. And here under my hand, I professe, I crave nor desire, neither mercy, nor favour at their hands, but bid defiance to all the adversarie I have in *England*, both great and small, to doe the worst their malice can unto me; alwayes provided, I may have a legall tryall, by my Peeres, my Equals, men of my own condition; according to the just, established, unrepealed, fundamentall law of the Land, contained in *Magna Charta*, and the *Petition of Right*; And truly, Sir, if upon these termes they will not call me out, but resolve to keep me here still, I will, by Gods assistance, before many moneths be expired, give them cause (with a witnesse) to call me out: for here, if I can helpe it, I will not be destroyed with a languishing death, though, it cost me kiewing to peeces, as small as flesh to the pot. For if it had not been that my report hath lain so long dormant in the hand of Col. *Henry Mart* in the glory of his age amongst *Parliament men*; for a lover of his Country; whose credit and reputation I ingeniously confesse, I should be very loath in the least, (if I could avoid it) to bespatter.

But in regard by all the meanes and friends I can use to him, I cannot get him to make my report; though I desire nothing at his hands but a bare endeavour of the discharge of his duty, to quit himselfe of it, let the issue be good or bad, all is one to me, so it were but done, or endeavored to be done: I had long since made a formall appeal to the people, but in regard of my constant hard usage both from divers Lords and Commons, and their saylors, and other instruments, and the many unresistable prickings forward of my own spirit, which presseth me rather to hazzard the undergoing of *Sampsons* portion, *Judg.* 16. 21. then to be forced to degenerate from the principles of Reason (the King or chiefe of all creatures) into the habit of a brut beast, and so to live a slave or vassal under any power under the Cope of Heaven, whether Regall, or Parliamentary, or what ever it be.

And therefore, having now with a long deliberated deliberation, committed my wife and children to the tuition, care and protection of a powerfull God, whom, for above these ten yeares, I have feelingly, and sensibly known as my God in Jesus Christ; who with a mighty protection, and preservation hath been with me in six troubles, and in seven, and from the very day of my publique Contest with the Bishops; hath enabled me to carry my life in my hands, and to have it alwayes in a readinesse, to lay it downe in a quarter of an hours warning, knowing that he hath in store for me a mansion of eternall glory.

All these things considered, I am now determined, by the strength of God, if I speedily have not that Justice, which the Law of *England* affords me, which is all I crave, or stand in need of, no longer to wait upon the destructive seasons of pruden-  
tiall men: but forthwith to make a formall Appeale to all the Commons of the Kingdome of *England*, and Dominion of *Wales*, and set my credit upon the tenters

to get money to print 20000. of them, and send them gratis to all the Countie thereof: the ingredients of which shall be filled with the Parliaments owne Declarations and Arguments against the King, turned upon themselves, and their present practise, and with a little narrative of my Star-chamber tyrannicall sufferings; and those I have there to complain of, are first Dr. Lamb, Guin, and Aliot, for committing me. And 2. Lord Keeper Coventry, Lord Privie Seal Manchester (that corruptest of men, whose unworthy Son is now, & hath been for some yeares, the chiefe Prosecutor of my ruine, for no other cause, but that I have been honest, valiant, and faithfull in discharging the trust reposed in me, which he himselfe was not (my Lord Newburgh, old Sir Henry Vane (a man as full of guilt, as any is in England, whose basenesse and unworthinesse I shall anotamize to the purpose) the Lord chiefe Justice Bramstone, and Judge Jones, who sentenced me to the Pillory, and to be whipt, &c. And then 3. Canterbury, Coventry, Manchester, Bish. of London, E. of Arundel, E. of Salisbury, L. Cottington L. Newburgh, Secretary Cook, and Windebank, who sentenced me to lye in irons, and to be starved in the prison of the Fleet; With a short Narrative of my usage by Lords and Commons this present Parliament; and conclude with a Declaration of what is the end, wherefore Parliaments by law ought and should be called, which is, to redresse mischiefs and grievances, &c. but not to increase them, 4 E. 3. 14. & 36. E. 3. 10. to provide for the peoples weal, but not for their woe, Book Declar. 1. part, pag. 150. and yet notwithstanding all the trust reposed in them; and all the Protestations they have in publique Declarations, made, faithfully, without any private aimes or ends of their owne to discharge it: And notwithstanding all the bloud and money, that hath been shed, and spent at their beck and and commands, I would faine have any of them to instance me any one Act or Ordinance, since the wars begun, that they have done or made, that is for the universall good of the Commons of England who have born the burthen of the day. Sure I am, they have made severall Ordinances to establish Monopolies against the Fundamentall Lawes of the Kingdome, and thereby have robbed free men of their trades and livelihoods, that at their command have been abroad a fighting for maintaining the Law; and in practise, annihilated Magna Charta, and the Petition of Right: So that a man (though

of their own Party) may suffer much if committed by a Parliament-man, or Parliament men, before he can get the Iudges to grant an *Habeas Corpus*, to bring him and his cause up to their Bar there to receive a tryall (*secundum legem terræ*) that is according to the Law of the Land, although the Iudges be sworn by their oathes to doe it.

So Sir, desiring you seriously to consider of the premises, which I could not conveniently send you, but in print, I rest.

*Your abused Prisoner, who is resolved  
to ruse all the stones in England,  
that lye in his way, but he will have  
right and iustice against you,*  
*From my illegall and chargeable  
captivity in Cole-harbour in  
the Tower of London, this 30.  
Jan. 1646.*

John Lilburne, semper idem.

F f N f S.